

**Remarks of Assistant Secretary Garcia**  
**Heritage Foundation**  
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Good afternoon. Thank you Helle (Hella) for that kind introduction. I would also like to extend my thanks to Larry Wortzel for inviting me to speak at today's roundtable.

I always appreciate the opportunity to talk about the Bureau of Immigration and Customs Enforcement or ICE, and I have been particularly excited about this opportunity to exchange ideas with people who not only appreciate the critical importance of ICE's mission, but also understand the complexities and far-reaching implications of our work.

Since it's founding nearly three decades ago, the Heritage Foundation has enjoyed a reputation for identifying and analyzing critical issues of the day. Your work on issues related to the strengthening of homeland security demonstrates that this reputation is well deserved.

I am here today as the acting Assistant Secretary of the Bureau of Immigration and Customs Enforcement, the primary investigative arm of the new Department of Homeland Security. This new agency has nearly 15,000 employees. 5,500 of them are special agents from the former Immigration and Naturalization Service and U.S. Customs Service, making us the second largest federal investigative agency. Those agents join the former Customs Air and Marine Division, INS's Detention and Removal program and the Federal Protective Service as the components of ICE. We also have a robust intelligence division made up of assets from all those components. We are part of the Department of Homeland Security, in the Border and Transportation Security Directorate headed up by Under Secretary Asa Hutchinson.

Those are some basic facts about ICE. Tells you a little, not that much, about what we are and what we do. I would like to talk today on that subject. Who we are, where have come in

our short five months as an agency and where I see us going with our new structure and priorities. How we fit, our ICE programs, within the overall homeland security mission. By combining the resources and skills of the components I've just described, ICE is uniquely qualified to take on the law enforcement challenges of protecting the homeland. Rather than reciting numbers and showing an organizational chart, I would like to provide more of an insight into the strategy of our agency, the challenges we face, and what I see as the means of addressing some of those challenges. I realize this approach involves some risk, especially for an *acting* assistant secretary.

On that note, let me begin by giving you a little background on where I have been. I think that's important, as it has clearly informed my view of ICE and its role in the new Department.

Nearly my entire professional career has been spent in public service. Since February 1993, when I joined the Office of the U.S. Attorney for the Southern District of New York, I have focused almost exclusively on counter-terrorism and national security issues. As a federal prosecutor, I participated in the successful prosecution of several terrorism cases, including the first World Trade Center bombing, the prosecution of Ramzi Yousef for planning to bomb U.S. jetliners in Southeast Asia, and the bombing of two American embassies in East Africa. The four defendants in the embassy bombing cases were found to have conspired with Osama bin Laden and others to kill more than 200 persons in those attacks.

Following the guilty verdicts in the embassy bombing case, I was appointed as Assistant Secretary of Commerce for Export Enforcement, a position that is squarely on the front line of the fight against the proliferation of weapons of mass destruction. I was serving in this post when President Bush named me to be Acting Commissioner of the Immigration and

Naturalization Service last December. I was given the responsibility of leading the agency's restructuring and transition into the newly created Department of Homeland Security.

I came through these experiences, particularly my time spent prosecuting terrorism cases, having learned several important lessons, including

- The need to use *all* of our enforcement tools and authorities in support of our counter-terrorism efforts
- The importance of coordination across agencies and with the intelligence community
- Prevention and Disruption need to be vital components of our counter terrorism strategy.

These lessons learned became all the more important after the events of September 11, 2001.

And with these lessons in mind, I began, on March 1, 2003, to lead this new federal law enforcement agency, ICE. It is a formidable collection of investigative powers and authorities ranging from migrant, weapons, and contraband smuggling, human trafficking, document, visa and immigration fraud to money laundering, trade fraud, and export violations. We have authority to detain and remove aliens, including criminal aliens. On top of all that, ICE is also charged with protecting more than 8,800 federal facilities nationwide.

In March 2003, the goal of setting up this new agency, with these wide-ranging investigative authorities and responsibilities, was to continue operation uninterrupted. It was to bring together these diverse groups, set out clear chains of command, and allow the people on the front lines to continue to do the day-to-day work so critical to the well being of this nation. In this, I believe, we were successful. Customs and immigration enforcement lost no ground. Air and Marine operations continued uninterrupted, and the work of Detention and Removal went forward. The Federal Protective Service, guardians of thousands of facilities nationwide, did not

let that guard down. We functioned as an agency of parallel components, but components that were already in the process of learning the roles of their colleagues and developing ways to integrate those roles in more productive and efficient ways.

And that was the ultimate goal of creating ICE. Establishing one integrated and enhanced enforcement agency within the Department of Homeland Security. After the initial – and perhaps shock would be too strong a word – the initial transition period, creating that new enhanced agency needed to be done more systematically, through the structure of our headquarters, our programs and our field offices. ICE needed to be formatted to create a structure to support a new, enhanced, and integrated investigative agency. We completed this phase of the transition on June 9, 2003.

In restructuring ICE, I was guided by the lessons of my years as a prosecutor and by a clear understanding that the mission of homeland security is to address vulnerabilities. Vulnerabilities that weaken our national security, vulnerabilities that expose our citizens to attack. And vulnerabilities that expose our financial systems to exploitation, and our borders to infiltration. This approach had a direct impact on the structure of the new agency.

How can the newly combined investigative assets of ICE uncover and shut down vulnerabilities in our national security – whether it be gaps in border security or financial security? These are the fundamental issues of homeland security. Issues that are addressed through our overall approach to the new ICE structure.

So, you will find no terrorism box in our organizational chart. *All* our programs are aimed at counter terrorism, at homeland security. I will give some examples of this as I speak about how we are now configured. I will start with the Investigation Division, the largest division in ICE.

We have an aggressive new alien smuggling unit that is bringing together intelligence assets and financial expertise to attack these criminal enterprises, to dismantle them, and to seize the money they make off their human cargo. We had great success with this new approach in the recent tragic case in Victoria, Texas where 19 people were found dead in the back of a tractor-trailer. ICE's investigation led to the indictment, in a short period of time, of the ringleader of that smuggling conspiracy who had fled the United States and thirteen other co-conspirators. Along the way, we rescued a three year old from this same band of smugglers in an undercover operation and arrested his captors. By combining the once fragmented intelligence and investigative resources of customs and immigration enforcement, we were able to quickly capture 12 smugglers and follow the money to the source of this smuggling ring. In the process, we created a new model for approaching these crimes, a model that we will use as the centerpiece of our national anti-smuggling strategy.

These organized alien smuggling cases show organized crime exploiting vulnerabilities in our border security to bring in illegal aliens. Aliens being smuggled might be seeking economic opportunities. Or they might be al Qaeda operatives seeking ways to infiltrate this country. The vulnerability at the border could be exploited by terrorists as easily as smuggling organizations and must be approached with this possibility in mind; these cases are a priority at my agency. With respect to contraband smuggling, the commodity might be cocaine or other illicit drugs – contraband that has a devastating impact on our society as well – or it might be the components for weapons of mass destruction. Again, a vulnerability that could be exploited by terrorists. We now combine former customs expertise in this area with immigration enforcement authorities, a combination used very effectively in multi-agency task force operations that is now available “in house” at ICE.

In order to further our aggressive efforts to root out those who would obtain immigration benefits through fraud, we recently opened a new, multi-agency task force here in Virginia, at our cyber crimes center, in order to focus on this problem and allow our investigators access to the tools and expertise of the former Customs personnel who work at this facility. Again, with respect to benefit fraud, the perpetrators could be aliens seeking to stay and work in this country or they could be, as in the case of several of the World Trade Center bombers in 1993, those seeking status here in order to commit terrorist attacks.

At ICE, we have inherited tremendous expertise in financial investigations. We will now focus that expertise, in addition to its traditional applications, in other programs such as alien smuggling as I mentioned before, as well as benefits fraud and export enforcement violations – all of which are predicate crimes for money laundering prosecutions. That is an avenue of attack that has not been exploited in the past. ICE has also launched a new financial investigative program, called Cornerstone, aimed at closing off vulnerabilities in our financial infrastructure and denying terrorists access to funding. Our cases may involve money going to terrorists, most often such a link cannot be proved in court, but we address the vulnerability, money flowing out that could be used to finance terrorism.

We have also created new programs, including the Compliance Enforcement Unit. This program develops cases on those who have failed to comply with student registration system or the entry-exit system, looking for information that suggests violators may pose national security risks. The vast majority of students come to America for the quality of education. But the system can be exploited and we must look to shut down such vulnerabilities. Eyad Ismoil, the driver of the van that contained the World Trade Center bomb in 1993, arrived in this country on

a student visa and never attended school. This compliance enforcement program is also a means of putting the rule of law into our immigration system. Violators will face consequences.

Also new to ICE is the Human Rights Violations unit created to identify and investigate human rights violators and to assist in their removal from the United States. This new entity demonstrates ICE and the Department of Homeland Security are committed to preventing this country from becoming a safe have for human rights abusers.

Just last month, a suspected Somali war criminal was ordered deported by an immigration judge in California after an in-depth investigation by ICE agents here and overseas. Their probe uncovered evidence that the suspect assisted in the execution of innocent civilians while serving as a military judge in the regime of former Somali dictator Siad Barre. We are intent on building more cases like this, and the Human Rights Violations unit will allow us to do it.

In the field, major changes have occurred since June 9. From 33 INS district offices and 20 Customs Field Offices we have created one unified structure for all our special agents organized into 25 offices led by a Special Agent in Charge and a unified chain of command in the field and at headquarters. This new structure was based upon, among other things, workload, smuggling corridors, and proximity to the other agencies of DHS such as the Bureau of Citizenship and Immigration Services and the Bureau of Customs and Border Protection. We are looking to physically co-locate as space becomes available and leases expire or are terminated to make one truly integrated investigative arm.

As part of our restructuring of the field, the Detention and Removal branch, previously intertwined along with everything else in INS at the district office has been made a separate division with clearer focus on its critical and unique mission.

Immigration enforcement in the Detention and Removal Division is an area where much improvement can be made but it is an area where I already see much improvement being made. We are transferring to Detention and Removal control the fugitive program – we have approximately 400,000 alien absconders under final orders of removal -- and transferring the Institutional Removal program aimed at taking custody of criminal aliens at the expiration of their sentences so that they do not re-enter the community. These are critical immigration enforcement programs but are properly staffed by Detention and Removal personnel, not by investigative resources.

Our National Fugitive Operations Program is designed to locate, apprehend, and remove alien absconders—individuals who have violated U.S. immigration laws, been ordered deported, then fled before the order could be carried out. As I mentioned before, there are some 400,000 absconders in the United States. We want to take all of them off our streets, but we must prioritize the worst of the worst to make our streets safer. In what can only be described as a common sense approach, we put violent offenders on the top of the list. To engage the help of local law enforcement and the public, we created a list of ICE's most wanted criminal aliens.

In less than two months after the public release of the ICE most wanted list, nine of our 10 most wanted were apprehended. The most recent arrest occurred on July 6 in Santa Clara, California, where an Indian national who had two firearms convictions was apprehended. This apprehension was made possible by local police officers who had seen the most wanted poster at their station house. The others who had been captured have previous convictions that include murder, kidnapping, and assault. The 10<sup>th</sup> person on the list notified us that he had already left the country and provided supporting evidence. In reviewing the files to identify the most violent offenders, we are using the access we now have to the Customs investigative data bases to help



locate these fugitives, and this itself has led to the arrest of a number of alien absconders with records of violent crimes.

We are in the process of establishing a similar priority system in the institutional removal program: prioritizing the most violent offenders for deportation prior to their release from criminal custody. This is particularly true at the state and local level where many of the most violent felons are incarcerated. We have a new pilot program at Riker's Island in New York aimed at identifying these offenders at the time they are first processed.

I would also like to mention a new program that sprung out of our Most Wanted initiative. In prioritizing our worst offenders, I noticed that a number of them were sexual predators, many who had records of preying on children. As a result, ICE launched Operation Predator, an initiative aimed at bringing to bear all our considerable powers and authorities related to the protection of America's children. So we have made sexual predators the top priority in our alien fugitive initiative. In a single one-week sweep, we arrested more than one hundred sexual predators who are now detained and in the removal process. We have devoted resources to child pornography cases and brought our immigration enforcement authorities to bear in these cases as well. We are targeting alien smugglers who place children at risk, either by placing them in physical danger during the smuggling process or by bringing them into the country to work in child prostitution rings. We have entered into a new partnership with the National Center for Missing and Exploited Children to develop leads; we are running the names on the various state Megan's lists through our immigration databases to identify criminal aliens who should be removed; and we are meeting with success.

No other agency has the combination of authorities we have at ICE that can be used to protect the children of this nation. We are going to use them.

A few more examples of the new structure and the new way of doing business at ICE. Our investigative activities require a strong capacity to collect, analyze, and disseminate intelligence, and that is what the intelligence division provides to the operational elements of both immigration and customs enforcement. Through restructuring, we integrated the intelligence functions of INS and Customs in a way that takes advantage of the strengths and best practices of each organization to create a more efficient, yet expanded, intelligence operation. And I approach intelligence with a pretty simple game plan: we need to do a better job collecting it from our components and a better job of making it available, and usable, by our agency and our law enforcement and intelligence partners. I didn't win the CIA's "Agency Seal Medallion" last year for nothing.

We also need a robust air and marine interdiction capability. The Customs Service created a specialized unit that provided this, and it is now part of ICE. Our new structure promotes more effective deployment of its assets, which include more than 130 aircraft and 95 vessels. Besides its interdiction capacity, we plan to use Air and Marine personnel, who go through the same training as our special agents, in more investigative work as the components of ICE become increasingly well integrated.

ICE, as I mentioned earlier, is also responsible for providing both physical and personal security at than 8,800 federally owned and rented facilities nationwide. This responsibility is carried out by the Federal Protective Service. We are taking advantage, agency wide, of FPS's expertise in communications and security. We are integrating FPS's small but important investigative arm into our ICE investigations division and plan to cross train those agents so that they have all of ICE's broad powers and authorities. We are also looking into using some of FPS's security personnel to assist in the labor -intensive job of escorting detainees during

deportation. One of the upcoming jobs of ICE security personnel will be to assist in the security during the 2004 elections.

This is an outline of the new federal law enforcement agency ICE. It is built upon powerful tools and authorities. It is dedicated to using all of those tools in the fight against terrorism and in the mission of addressing vulnerabilities to our homeland security. It will be intelligence driven. It will be proactive. It is the primary investigative arm of the Department of Homeland Security.

There are many challenges ahead for ICE. There will be some difficult days. After all, we are still in the process of creation. But what I am most excited about is that I see the road we are on. I see our where we are and where we need to go and I know we are going in the right direction. As that prosecutor guiding terrorism cases and thinking at the time of the tools I would like to have, I understand the great opportunity and the great responsibility we have in using the tools we have been given. I am confident that with the continued support of the administration and of Congress we will continue to move forward and we will help make this a safer, more secure nation.

Thank you.